**Template Comments – please modify to reflect your own, unique perspective!**

October [18], 2019

Submitted via Regulations.gov

Ms. Anna Maria Farías

Assistant Secretary for Fair Housing and Equal Opportunity

Department of Housing and Urban Development

451 7th Street, SW

Washington, D.C. 20410

**Re: HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard Notice of Proposed Rulemaking, HUD-2019-0067, RIN 2529-AA98**

Dear Assistant Secretary Farías,

Thank you for the opportunity to comment on “HUD's Implementation of the Fair Housing Act's Disparate Impact Standard” Notice of Proposed Rulemaking (NPRM). On behalf of [Your Organization], we submit the following response for your consideration.

[Include a description of your mission and why this issue is important to you.]

People with disabilities and their families already face a national shortage of accessible and affordable housing, particularly the lowest-income people with disabilities. People with disabilities often have few financial resources and remain among the country’s poorest, and far too often, encounter discrimination when seeking housing. The lack of sufficient safe, accessible, affordable housing is a continuing and significant barrier to integrated community living, making it difficult for people with disabilities to move from segregated facilities into the community, and putting many people with disabilities at risk of unnecessary institutionalization or homelessness. [Add information about the ways housing discrimination and the lack of affordable, accessible housing impacts people with disabilities in your service area.] It remains extremely important to work toward inclusive housing in the community for people with disabilities, and to protect the rights guaranteed under the FHA.

Disparate impact claims are an important tool for remedying certain types of discrimination.

The proposed rule risks permitting hidden and unintentional discriminatory practices to remain and grow, without the necessary enforcement tool of disparate impact liability. The proposed rule weights the process unfairly against individuals alleging discrimination and, ultimately, weakens accountability. In the NPRM, the current burden-shifting standard is replaced with a five-part component set of tests, placing nearly all of the burden on the people facing discrimination. The proposed rule not only sets a much higher bar for a person experiencing discrimination to meet, but one based on information that only the entity with the discriminatory policy may have. The rule will also create confusion and increase uncertainty. It undermines a key tool for addressing systemic discrimination under the FHA.

[If you have them, insert examples here of local systemic fair housing issues from your jurisdiction or region. This could include, for example, a lender that denies an applicant because they cannot provide proof that their disability assistance will continue for years, when similar requirements are not made for other applicants to show future employment income. See examples of other disability-based disparate impact cases [here](https://drive.google.com/open?id=1qbLj-mXBrfBnAOhuuq8S_GrlOHbjLkWTD0pd5C0ULjU).]

We urge HUD to withdraw this proposed rule, and leave existing protections intact. Thank you for the opportunity to comment.

Sincerely,

[Name]

[Title]

[Organization]